

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

THE CINCINNATI INSURANCE
COMPANY,

Plaintiff,

v.

SIRI SINGH SAHIB CORPORATION
INC., at al.,

Defendants.

Case No. 1:24-cv-00579-SCY-
JMR

Magistrate Judge Steven C.
Yarbrough

PLAINTIFF'S MOTION FOR PROTECTIVE ORDER

Pursuant to Rule 5.2 of the Federal Rules of Civil Procedure, Plaintiff The Cincinnati Insurance Company ("CIC") respectfully moves the Court to seal the Complaint filed as ECF No. 1 and for leave to file a redacted version of the Complaint that removes allegedly non-public confidential information contained in ECF No. 1. A memorandum in support of this motion is attached hereto.

Respectfully submitted,

DATED: June 10, 2024

/s/ Nicholas A. Govea

Nicholas Govea

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Counsel for Plaintiff

MEMORANDUM IN SUPPORT

Pursuant to Rule 5.2 of the Federal Rules of Civil Procedure, Plaintiff The Cincinnati Insurance Company (“CIC”) respectfully moves the Court to seal the Complaint filed as ECF No. 1 and for leave to file a redacted version of the Complaint that removes allegedly non-public confidential information contained in ECF No. 1.

CIC filed its Complaint for Declaratory Judgment in this action on June 7, 2024, in which it seeks various declarations with respect to CIC’s duties, rights, and/or obligations under insurance policies (the “Policies”) issued to Defendants Siri Singh Sahib Corporation and Sikh Dharma International. (ECF No. 1.) On June 9, 2024, counsel for CIC received an email from counsel for Defendants asking that CIC move the Court to seal the Complaint because paragraph 87 of the Complaint contains information that Defendants contend is confidential and non-public (i.e., the amount of money that Defendants have paid in connection with various matters that have been submitted to CIC for coverage under the Policies).

While there is a presumption in favor of public access to judicial records, that presumption may be overcome where countervailing interests heavily outweigh the public interest in access. *Poncho-Alderete v. U.S. Gov’t*, No. 22-153 KK/JMR, , 2023 U.S. Dist. LEXIS 120392, at *3 (D.N.M. Jul. 13, 2023). The district court, in exercising its discretion, must weigh the interests of the public, which are presumptively paramount, against those advanced by the parties. *Id.* Whether a trial court exercises sound discretion will be based on the facts and circumstances of the individual case and the weighing of the parties’ interests. *Id.*

Here, Defendants have asserted that the amount that was paid to resolve various matters submitted to CIC for coverage under the Policies is confidential, non-public, and the disclosure of that amount would prejudice Defendants in continuing underlying litigation. Moreover, at least at this time, the amount of the payments is not necessary for the Court to determine the

parties' substantive legal rights, which weighs in favor of granting the request to seal. *See id.* at *3-4. In addition, CIC requests leave to file an unsealed copy of the Complaint that would be available to the public that redacts the number in question that Defendants assert is confidential. As such, the overwhelming majority of CIC's complaint would be available to the public, which weighs in favor of granting CIC's request to seal ECF No. 1. *See Buster v. Bd. of Cnty. Commissioners*, No. 21-cv-1208 CG/SMV, 2022 U.S. Dist. LEXIS 94579 (D.N.M. May 26, 2022) (granting request to seal documents containing defendant's home address and ordering publicly-filed documents to redact such information). Therefore, CIC respectfully requests that the Court seal ECF No. 1 and permit CIC to file a version of its Complaint that redacts the amount of money that Defendants paid in connection with various matters submitted to CIC for coverage under the Policies from paragraph 87 of the Complaint.

Respectfully submitted,

DATED: June 10, 2024

/s/ Nicholas A. Govea
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 10, 2024, I filed the foregoing electronically through CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

/s/ Nicholas A. Govea
Nicholas A. Govea